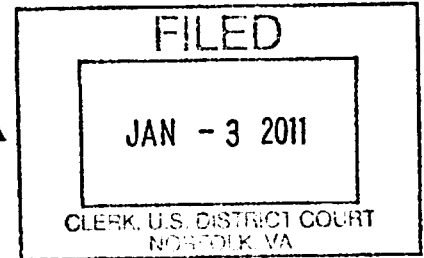


**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



DENNIS GORDELL EPPS, #1204331,

Petitioner,

v.

ACTION NO. 2:10cv209

DIRECTOR,
VIRGINIA DEPARTMENT OF CORRECTIONS,

Respondent.

FINAL ORDER

The Court has received and filed a petition for writ of habeas corpus submitted pursuant to 28 U.S.C. § 2254. The petition alleges violation of federal rights pertaining to Petitioner's convictions on June 30, 2008, in the Circuit Court for the City of Petersburg for malicious wounding, as a result of which he was sentenced to serve a total of 20 years in the Virginia penal system with 13 years suspended.

The petition was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Magistrate Judge's Report and Recommendation filed November 30, 2010, recommends dismissal of the petition. The Court has received no objections to the Report and Recommendation and the time for filing objections has expired.


The Court does hereby accept the findings and recommendations set forth in the Report and Recommendation that the claims brought in the petition are procedurally barred from federal review. It is therefore ORDERED that Respondent's Motion to Dismiss [ECF No. 6] be

GRANTED, and that the petition be DENIED and DISMISSED. Petitioner's Motion for an Evidentiary Hearing [ECF No. 5] is DENIED. It is further ORDERED that judgment be entered in favor of Respondent.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty days from the date of entry of such judgment.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

The Clerk shall mail a copy of this Final Order to Petitioner and to counsel of record for Respondent.



Mark S. Davis
United States District Judge

UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
December 30, 2010